

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. CR 15-18-LRR
)	
vs.)	
)	
ANTHONY DUANE LESAIN, JR.,)	
)	
Defendant.)	

FINAL ORDER OF FORFEITURE

WHEREAS, an Indictment was filed on March 4, 2015, charging defendant with violations of 18 U.S.C. §§ 922(g)(3) and (g)(9), with a forfeiture allegation seeking the forfeiture of a Gersterberger U. Eberwein Gussenstadt .22 short caliber revolver and ammunition;

AND WHEREAS, on May 11, 2015, the Honorable Jon Stuart Scoles, Chief Magistrate Judge for the Northern District of Iowa, entered a Report and Recommendation concerning the plea of guilty (Document #28);

AND WHEREAS, pursuant to the provision of Rule 32.2(b)(1)(A) of the Federal Rules of Criminal Procedure, Judge Scoles found that the government had established the requisite nexus between the property subject to forfeiture, the firearm and ammunition, and the offenses as charged in Count 1 of the March 4, 2015, Indictment, a prohibited person in possession of a firearm and ammunition, in violation of 18 U.S.C. §§ 922(g)(3) and (g)(9);

AND WHEREAS, on May 27, 2015, the Court accepted Judge Scoles' Report and Recommendation of May 11, 2015 (Document #29);

AND WHEREAS, pursuant to the May 11, 2015, acceptance of the plea of guilty, the United States moved for a Preliminary Order of Forfeiture pursuant to Rule 32.2(b)(2)(A), seeking an order following the Court's acceptance of Judge Scoles' Report and Recommendation, including his finding of the requisite nexus between the firearm and ammunition, and the offenses (Document #30);

AND WHEREAS, on June 10, 2015, this Court entered a Preliminary Order of Forfeiture pursuant to the provisions of 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c), based upon the defendant's guilty plea entered on May 11, 2015, in which the Court ordered the forfeiture of any interest defendant had or has in the firearm and ammunition alleged to be subject to forfeiture under the Forfeiture Allegation of the March 4, 2015, Indictment (Document #31);

AND WHEREAS, notice of this forfeiture was posted on www.forfeiture.gov for 30 consecutive days beginning June 12, 2015, and continuing through July 11, 2015, of the United States' intent to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property (Document #38);

AND WHEREAS, no third-party claims have been made for return of seized property against the firearm and ammunition included in the Preliminary Order of Forfeiture entered on June 10, 2015.

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That any right, title, and interest defendant has or had in the hereinafter described property is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

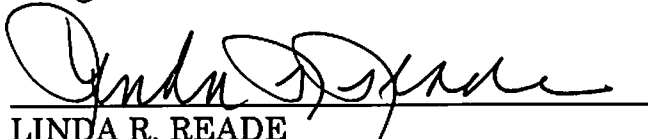
2. That the following property belonging to Anthony Duane Lesain, Jr., who is the subject of this Order, is hereby condemned and forfeited to the United States of America, as follows:

a Gersterberger U. Eberwein Gussenstadt .22 short caliber revolver, bearing serial number 102271, and 6 rounds of .22 caliber Federal ammunition, seized from defendant on or about December 6, 2014, in Cedar Rapids, Iowa

3. That the United States Marshals Service and/or Federal Bureau of Investigation, is hereby authorized to dispose of the firearm and ammunition identified in paragraph 2 above.

4. That the United States District Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

DATED this 20 day of August, 2015.


LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA